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FEDERAL BUREAU OF INVESTIGATION
Electronic Communication

Title: (U) Five Substantive Undercover Contacts
and OIA for a UCE beginning on 9/10/2021

Date: 09/24/2021

From: MIAMI

MM-HOMESTEAD RA

Contact: Brian M. DeCarr

Approved By: SSA Michael E. Dwyer
ASAC ZUMPANO DON

Drafted By: Brian M. DeCarr

Case ID #: 166C-AL-3491673 (U) Christopher Pence (subject);
Christina Cordero (victim); Francisco
Cordero (victim); Murder-for-hire
63B-HQ-C1511845-J (U) FIVE AND UNDER UC ACTIVITY
166C-AL-3491673- (U) ELSUR admin documents
ELSUR

Synopsis: (U) The purpose of this communication is to provide the operational plan for up to five substantive undercover contacts (by means of written, electronic, wire, and/or face-to-face communications) against the subjects(s) of captioned investigation and to obtain authorization for Otherwise Illegal Activity for an Undercover Employee.

Details:

Undercover Authority: The planned undercover activity will be authorized under the "Five Substantive Contacts Rule". [The DIOG authorizes a maximum of five substantive undercover contacts by an FBI employee (certified undercover employee) acting in an undercover capacity with a target prior to the initiation of a UCO (i.e., five separate substantive contacts per investigation, even if the investigation has multiple subjects). Per Undercover and Sensitive Operations Policy Guide "A contact is "substantive" if it is a communication with another person,

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whether by oral, written, wire or electronic means, which includes information of investigative interest. Mere incidental contact (e.g., a conversation that establishes an agreed time and location for another meeting) is not considered a substantive contact."]

Case predication/summary: The captioned investigation was initiated based on information that the Federal Bureau of Investigation (FBI) obtained which revealed that Christopher Pence, date of birth [REDACTED], hereinafter referred to as the Subject, engaged in online communications on the dark web to solicit a murder-for-hire which targeted two identified victims. The Subject negotiated the terms, made an agreement with, and subsequently transferred cryptocurrency to the administrator of the murder-for-hire web page for the purposes of having the two victims killed.

- **UCE/OCE Activity:** The role of the Undercover Employee (UCE) for this investigation will be to make contact with the Subject, discuss details of the solicited murder, and receive something of pecuniary value from the Subject for the solicited murder. UCE may receive payment(s) from the Subject via cryptocurrency and/or money transfer (e.g. Western Union, MoneyGram).
- **Overt mitigation strategies:** The Case Agent, Special Agent (SA) Brian DeCarr, is pursuing a search warrant at the subject's residence. The search warrant will not be executed if the UCE activity is underway. No overt investigative activity is anticipated while the UCE activity is ongoing.

Scenario/Operational Plan: On Friday, September 10, 2020, the UCE will attempt to make contact with the Subject by means of electronic communication. The initial attempt will be to begin a dialogue with the subject on his phone, either by calling or messaging. Once initial contact is made, the UCE would attempt to move the communication to an encrypted messaging application.

- **Goal/Objective:** The goal of utilizing the UCE in this investigation is to gather evidence against the Subject for prosecution of

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violations including, but not limited, Title 18 United States Code ("U.S.C.") 1958 - Murder-for-Hire, Title 18 U.S.C. 373 - Solicitation to Commit a Crime of Violence, and Title 18 U.S.C 1956 - Laundering of Monetary Instruments.

- **Timeline:** The initial attempted contact will occur within the next 14 days.
- **UCE:** FBI Undercover Employee UCE-8818. Certified 11/03/2017.
- **UCE Introduction:** The UCE will not be introduced. Instead, the UCE will make direct initial contact with the subject.
- **UCE Legend:** UCE legend will be that of a professional hitman.
- **Backstopping:** No substantial backstopping will be required at this time as it is anticipated that the UCE will have five or less substantive contacts with the Subject.
- **UCE/OCE Safeguard assessment date:** 08/02/2021.
- **UCE Safety:** The Subject is a United States citizen with no criminal record and no outstanding warrants. Due to the nature of the crime the committed, the Subject will be considered armed and dangerous during any UCE meetings. A secure communications plan and emergency procedures will be developed and discussed with the UCE prior to meeting(s) with the Subject.
- **Contact Agent:** The Case Agent, SA Brian DeCarr, will act as the contact agent for the UCE for the referenced undercover activity. In accordance with UCO PG Section 2.3.8., Contact Agent SA DeCarr will maintain regular contact with the UCE while the UCE is in a covert role in relation to this investigation.

Investigative Coverage:

- **Monitoring:** All telephonic contacts and text conversations between the UCE and the Subject will be consensually monitored and recorded.
- **OCE(s)/CHS(s):** No OCEs or CHSs are expected to make contact with the subject while the UCE is targeting the subject.
- **FISUR:** If face-to-face meetings occur FISUR will be used.
- **Other Surveillance Methods:** The Subject is known to be technologically educated and anticipated to a surveillance conscious; as such other electronic surveillance will be utilized when and where appropriate to maintain the safety of all involved and keep the integrity of the investigation intact.
- **Title III/FISA:** Title III coverage is not anticipated.

Legal matters:

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- **OIA:** Per DIOG section 17.5.3 "Field Office Review and Approval of OIA for an FBI Agent or Employee," "An SAC may authorize the following OIA for an FBI employee only when consistent with other requirements of this section, the AGG-Dom, the AGG-UCO, and other FBI policy." Writer requests OIA authorization to utilize a UCE to engage in advertising unlawful services by purporting to offer murder-for-hire services. The estimated duration is up to 90 days.
- **Authorization:** Verbal authorization was received from A/ASAC Don Zumpano on Friday, September 10, 2021.

Coordination matters:

- **Coordination with the U.S. Attorney's Office:** Assistant United States Attorney ("AUSA") Emmet O'Hanlon, Northern District of New York, has been involved in the investigation. SA DeCarr discussed the parameters of the undercover activity that the UCE will be performing in relation to this investigation. AUSA O'Hanlon and the Case Agent are in agreement with the utilization of a UCE as being the most logical investigative tool in this investigation.

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